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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,624	03/23/2001	Walter Canis	END9-2000-0145US1	7110
23550	7590	04/07/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 3 E-COMM SQUARE ALBANY, NY 12207				NEURAUTER, GEORGE C
ART UNIT		PAPER NUMBER		
2143				

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/816,624	CANIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

#### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 November 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

**DETAILED ACTION**

Claims 1-28 are currently presented and have been examined.

***Response to Arguments***

Applicant's arguments, see page 9-11 of the response filed 4 November 2004, with respect to the rejection(s) of claim(s) 1-28 under "SNMP" have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Pulsipher et al.

The Applicant has not specifically shown within the specification the support for the current amendments made to the claims. The Examiner requests that the Applicant specifically show the support for these amendments to ensure a complete record of prosecution.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 and 17-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification

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in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-11 and 17-28 recite the limitation "user predetermined scheduled times". In view of the specification on page 7, lines 7-18, which discloses the timer system which collects the device identification and detail information at scheduled times, there is no disclosure within the specification as to a user being able to predetermine scheduled collection times. Therefore, the Examiner holds this limitation to be new matter.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-5, 8-9, 12-16, 20-21, and 26-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 3 recites the limitation "the collection tools". There is insufficient antecedent basis for this limitation in the claim.

Claims 4-5, 8-9, 20-21, and 26-27 recite the limitation "device identity / types". It is unclear as to what is being included or excluded from the claim language since a "device identity" and a plurality of "device identity / types" are distinct from one another.

Claim 12 recites the limitation "communicating the collection apparatus with the network". It is unclear as to whether the collection apparatus is itself communicated through the network or that the collection apparatus simply uses the network to communication the collected information. In view of the specification, particularly on page 7, lines 16-17 and page 11, lines 14-15, the Examiner will assume the latter since the former does not have support within the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5 948 055 to Pulsipher et al.

Regarding claim 1, Pulsipher discloses a system for mapping a network, comprising:

a collection system for collecting device identification and detail information ("topology data") from devices on the network; (column 7, lines 41-57)

a timer system for collecting the device identification and detail information at user predetermined scheduled times; (column 7, lines 41-57, specifically lines 44-49)

an analysis system for analyzing the collected device identification and detail information (column 8, lines 7-24)

a report system for generating a mapping report based on the analyzed device identification and detail information. (column 8, lines 38-49)

Regarding claim 2, Pulsipher discloses the system of claim 1, wherein the collection system comprises at least one collection tool for collecting the device identification and detail information. (column 7, lines 41-57, specifically "network monitor")

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Regarding claim 3, Pulsipher discloses the system of claim 1, wherein the analysis system comprises rules for resolving any conflicts between device identification and detail information collected by the collection tools.

(column 11, lines 8-19)

Regarding claim 4, Pulsipher discloses the system of claim 1 wherein the device identification and detail information includes device identity, device addresses, device characteristics, software installed on the devices, and software characteristics of the devices on the network.

(column 7, line 65-column 8, line 6)

Claims 8, 14, 20, and 26 are also rejected since these claims recite a system, method, program product, and computer system that contain substantially the same limitations as recited in claim 4.

Regarding claim 5, Pulsipher discloses the system of claim 4 wherein the generated mapping report includes the device identity / types, the device addresses, the device characteristics, the software installed on the devices, and the software characteristics. (column 7, line 65-column 8, line 6; column 8, lines 38-49, specifically "topology data")

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Claims 9, 21, and 27 are also rejected since these claims recite a system, method, program product, and computer system that contain substantially the same limitations as recited in claim 5.

Regarding claim 6, Pulsipher discloses the system of claim 1, further comprising a permission system for gaining user access to the network. (column 6, lines 11-35 and 62-64)

Regarding claim 10, Pulsipher discloses the system of claim 9, wherein the report system outputs the generated report. (column 8, lines 38-49 and 52-54, specifically lines 41-49 and 52-54)

Regarding claim 12, Pulsipher discloses a method for mapping a network, comprising the steps of:

installing collection tools on a collection apparatus; (column 6, lines 52-59)

communicating the collection apparatus with the network; (column 6, lines 26-28 and 36-45)

operating the collection tools to collect device identification and detail information from devices on the network; (column 7, lines 41-57)

analyzing the device identification and detail information; (column 8, lines 7-24) and

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reporting the analyzed device identification and detail information. (column 8, lines 38-49)

Regarding claim 13, Pulsipher discloses the method of claim 12, wherein the collection apparatus comprises at least one processor. (column 6, lines 19-20)

Claim 7 is rejected since claim 7 recites a system that contains substantially the same limitations as recited in claims 1-3 in combination.

Claim 11 is rejected since this claim recites a system that contains substantially the same limitations as recited in claim 6.

Claim 15 is rejected since this claim recites a method that contains substantially the same limitations as recited in claim 3.

Claims 17-19 and 22 are rejected since these claims recite a program product that contains substantially the same limitations as recited in claims 1-3 and 6 respectively.

Claims 23-25 and 28 are rejected since these claims recite a computer system that contains substantially the same limitations as recited in claims 1-3 and 6 respectively.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following prior art teaches methods and systems for mapping networks including types of methods of collection of device identification and detail information:

US Patent 5 185 860 to Wu;

US Patent 5 471 617 to Farrand et al;

US Patent 5 802 303 to Yamaguchi;

US Patent 5 878 420 to de la Salle;

US Patent 6 253 240 to Axberg et al;

US Patent 6 701 327 to Jones et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened

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statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

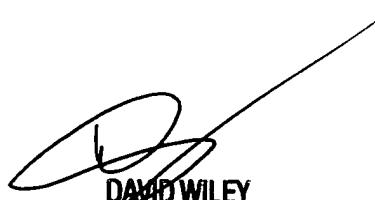
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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